

REMARKS

The specification has been amended to include a cross-reference to the U.S. Provisional application to which benefit is claimed. The Patent Office has acknowledged the benefit claim in listing the U.S. Provisional application on the Filing Receipt mailed Jul 9, 2002. Nothing further is believed to be required.

A Petition under 37 CFR § 1.78(a) and surcharge under 37 CFR § 1.17(t), or anything further, is not believed to be required to comply with Rule 78. The Examiner is requested to see the attached Notice ("Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. §§ 119(e), 120, 121, and 365(c)") dated February 24, 2003 from Stephen G. Kuhn, Deputy Commissioner for Patent Examination Policy, as well as the applicants' Request of October 4, 2001, wherein the undersigned's firm requested entry of an amendment similar to the above, and the Patent Office Filing Receipt mailed July 9, 2001, which includes a correct statement of the priority documents and their relationship to the above-identified U.S. application.

Specifically, the attached Notice states the following in Part IV ("Office Practice to Not Require Petition and Surcharge if Benefit Claim is Not Present in the Proper Place But is Recognized By Office Continues But Applicants Are Advised That Proper Reference Must be Presented"):

"Previously the Office indicated that if an applicant includes a benefit claim in the application but not in the manner specified by 37 CFR 1.78(a) (e.g., if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt. ... The Office will continue to follow this practice."

The Examiner is requested to advise the undersigned in the event anything further is required in this regard.

A response to the undersigned's REQUEST of July 12, 2004 is requested.

The applicants elect the subject matter of Group I for further prosecution in the above. An early and favorable Action on the merits is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
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